

INTRODUCED: 06/27/2016

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Osili

DIGEST: amends Chapter 996 of the Code regarding public vehicles for hire

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SOURCE:

Initiated by: Councillor Osili

Drafted by: Fred Biesecker, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_

Date: June 23, 2016

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CITY-COUNTY GENERAL ORDINANCE NO. , 2016

PROPOSAL FOR A GENERAL ORDINANCE amending Chapter 996 of the Revised Code regarding public vehicles for hire.

WHEREAS, House Enrolled Act 1278, 2015 adopted statewide regulations applicable to “transportation network companies” such as Uber and Lyft; and

WHEREAS, HEA 1278 amended IC 36-9-2-4 to provide that a city or county may not regulate a transportation network company or its drivers; and

WHEREAS, Chapter 996 of the Revised Code regulates taxicabs and other public vehicles for hire that are not transportation network companies as defined by state law; and

WHEREAS, Chapter 996 needs to be updated and streamlined in light of today’s market realities; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 996 of the Revised Code of the Consolidated City and County is hereby amended by deleting the language that is stricken-through and adding the language that is underlined, to read as follows:

**Chapter 996 - PUBLIC VEHICLES FOR HIRE**

**ARTICLE I. PURPOSE AND AUTHORIZATION**

**Sec. 996-1. Purpose.**

This chapter is adopted for the purpose of preventing the unsafe operation of public vehicles for hire and for the purpose of preventing unconscionable pricing and customer service practices in the operation of public vehicles for hire.

**Sec. 996-2. Authorization.**

This chapter is authorized by IC 36-9-2-4 and other provisions of the Indiana Code.

**Sec. 996-3. Additional public vehicle services.**

For the purpose of encouraging innovative services by public vehicles for hire in the city, any type of public vehicle service not expressly prohibited by this chapter is hereby authorized. The express definition, recognition or approval by this chapter of particular public vehicle services shall not be construed to prohibit any other public vehicle service not so expressly defined, recognized or approved.

**ARTICLE II. DEFINITIONS**

**Sec. 996-11. Public vehicle for hire.**

(a) As used in this chapter, and except as provided in subsection (c) of this section, *public vehicle for hire* means a motor vehicle that:

- (1) Is a passenger vehicle;
- (2) Is designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver; and
- (3) Is used or offered for use to transport a passenger for a fare.

(b) As used in this chapter, *public vehicle for hire* includes, but is not limited to:

- (1) Vans;
- (2) Minivans;
- (3) Station wagons;
- (4) Buses;
- (5) Jitneys; and
- (6) Wheelchair cabs;

provided that such motor vehicles meet the requirements of subsection (a) of this section.

(c) As used in this chapter, *public vehicle for hire* does not include:

- (1) School buses;
- (2) Vehicles used or operated under the control of the United States, the State of Indiana or any political subdivision of the State of Indiana;
- (3) Vehicles used for ride-sharing programs on a nonprofit basis;
- (4) Vehicles used for commuter services operated by an employer for the exclusive use of its employees;
- (5) Vehicles certified as ambulances under IC 16-31;
- (6) Vehicles used exclusively to provide regular route intercity passenger service on regular routes originating or terminating outside Marion County, including such vehicles which make one (1) or more incidental stops along such routes within Marion County;
- (7) Vehicles licensed by the State of Indiana to transport as commercial vehicles for hire, used exclusively to fulfill the terms of a contract van/route operating agreement with the Indianapolis Airport Authority;

- (8) Vehicles without a taximeter that are used exclusively to provide transportation for persons with a mental or physical disability or illness, older adults, or persons who require nonemergency medical treatment and that are operating under a certificate or permit of public convenience and necessity issued by the Indiana Department of State Revenue;
- (9) Vehicles used exclusively to solicit and transport passengers on trips originating outside Marion County;
- (10) Vehicles which are the subject of cost sharing arrangements between passengers and drivers, which arrangements are not designed to generate a profit; and
- (11) Vehicles excluded from the city's regulatory authority by state law.

**Sec. 996-12. Reserved.**

**Sec. 996-13. Taxicab.**

As used in this chapter, *taxicab* means a public vehicle for hire which transports passengers for a fare, which fare is determined, in whole or in part, by a measurement, to be made during the trip, of the distance over which the passenger is transported.

**Sec. 996-14. Jitney.**

(a) As used in this chapter, *jitney* means a public vehicle for hire that transports passengers for a flat fare displayed on the exterior of the jitney in a format prescribed by the license administrator, designed to be readable by potential customers. This provision shall not be construed to prohibit jitney fares lower than the fares so displayed.

(b) As used in this chapter, *jitney* includes, but is not limited to, public vehicles for hire that:

- (1) Have a published schedule;
- (2) Have an origin and destination, and defined times of departure and arrival; and
- (3) Operate within a defined corridor between the origin and destination.

**Sec. 996-15. Wheelchair cab.**

As used in this chapter, *wheelchair cab* means a van-type taxicab that is capable of transporting people who use wheelchairs.

**Sec. 996-16. Owner.**

As used in this chapter, *owner* means the person whose residence determines the county in which a vehicle must be registered pursuant to IC 9-18-2-15.

**Sec. 996-17. Person.**

As used in this chapter, *person* means natural person, corporation, partnership, limited partnership, association or any other entity with the power to sue and be sued.

**Sec. 996-18. Central office.**

As used in this chapter, *central office* means the physical location, having a street address, from which a public vehicle for hire operates, at which street address an applicant or licensee will receive all mail sent by the United States Postal Service.

**Sec. 996-19. Violation of law.**

As used in this chapter, *violation of law* means commission of a felony, misdemeanor, infraction or ordinance violation, without regard to whether the violation is characterized as criminal or civil in nature.

**ARTICLE III. OPERATOR LICENSES**

**Sec. 996-21. Operator licensure.**

No person shall transport or offer to transport a passenger for a fare in any public vehicle for hire without a license to operate a public vehicle for hire.

**Sec. 996-22. Eligibility.**

(a) To be eligible for a license to operate a public vehicle for hire, a person:

- (1) Must possess a public passenger chauffeur or commercial driver's license issued by the State of Indiana;
- (2) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application;
- (3) Must not have been convicted of drunk driving within the period of ten (10) years immediately preceding the date of the filing of the application;
- (4) Must not have two (2) or more convictions at any time of drunk driving;
- (5) Either:
  - a. Must not have been convicted at any time of:
    - 1) A felony or misdemeanor that involved violence towards another person;
    - 2) Drugged driving;
    - 3) Being an habitual traffic offender; or
    - 4) Being an habitual substance offender; or
  - b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this section; and
- (6) Either:
  - a. Must have been a resident of Marion County or the seven (7) contiguous counties for a cumulative total of at least twelve (12) months; or
  - b. Must have had a valid City of Indianapolis taxicab operator's license on the effective date of this subsection.

(b) In addition to any other basis for revocation of a license, no person shall be eligible to retain a license to operate a public vehicle for hire if he or she operates such vehicle with either:

- (1) An alcohol concentration in his or her blood; or
- (2) A controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in his or her body, unless such person consumed the controlled substance under a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

**Sec. 996-23. Application.**

Each applicant for a license to operate a public vehicle for hire shall provide to the license administrator the following information concerning the applicant, on an application form provided by the license administrator, signed and sworn to by the applicant:

- (1) Full name;
- (2) Residence address;
- (3) Office address;
- (4) Place of residence for the five (5) years immediately preceding the date of the filing of the application, including an address or addresses in Marion County or the seven (7) contiguous counties for a cumulative total of at least twelve (12) months;
- (5) Age, race, sex, height, weight, and color of eyes and hair;
- (6) Place of birth;
- (7) Length of residence in the City of Indianapolis;
- (8) Last previous employment;
- (9) Whether the applicant is a citizen of the United States;
- (10) The date of judgment, court and description of each conviction for a violation of law by the applicant;
- (11) The date of filing, court and description of each charge pending against the applicant alleging a violation of law;
- (12) All governmental entities from which the applicant has been previously licensed to operate any type of public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
- (13) Such additional information as the license administrator deems necessary.

**Sec. 996-24. Attachments to the application.**

Each application shall be accompanied by:

- (1) Two (2) recent photographs of the applicant in a format prescribed by the license administrator, designed to be easily attachable to the license;
- (2) A complete set of the applicant's fingerprints in a format prescribed by the license administrator;
- (3) A copy of the applicant's Indiana driving record certified within ten (10) days prior to submission of the application;
- (4) A copy of the applicant's limited criminal history from the Indiana State Police and from the Indianapolis Metropolitan Police Department, as provided by IC 10-13-3; and
- (5) Such additional items as the license administrator deems necessary.

**Sec. 996-25. Fee.**

The annual fee for a license to operate a public vehicle for hire shall be provided in Section 131-501 of the Code.

**Sec. 996-26. Investigation of applicant.**

The license administrator shall investigate an applicant for a license to operate a public vehicle for hire. The investigation shall include:

- (1) Investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant; and
- (2) Such additional investigation as the license administrator deems necessary.

**Sec. 996-27. Examination of applicant.**

(a) Each applicant for a license to operate a public vehicle for hire shall be examined by the license administrator to guarantee quality service to customers, as to:

- (1) The applicant's qualifications;
- (2) The applicant's knowledge of the provisions of this chapter and such other ordinances, statutes and regulations as the license administrator deems relevant;
- (3) The applicant's knowledge of the geography of Marion County and the surrounding counties;
- (4) The applicant's ability to communicate in English with customers; and
- (5) The applicant's skill in operating a motor vehicle (including a driving test accompanied by an inspector in such circumstances as the license administrator determines to be necessary to protect the public).

(b) Each new applicant for a license to operate a public vehicle for hire shall complete a comprehensive training program administered by the license administrator or an authorized agent thereof.

**Sec. 996-28. Pending charges of violation of law.**

If charges are pending in any court charging the applicant with a violation of law, the license administrator shall suspend processing of the application until those charges are resolved, unless the applicant requests the license administrator to proceed with the processing of the application. In the event that an applicant requests the license administrator to proceed, the license administrator shall conduct a hearing to determine whether the applicant committed the alleged violation of law and whether that violation of law disqualifies the applicant from receiving a license. Evidence may be submitted telephonically or by any other reasonable electronic means from remote locations. The applicant must appear at the hearing, testify, and otherwise fully cooperate with the license administrator's investigation. In the event that the application is denied, the applicant shall reimburse the license administrator for any expenses incurred as a result of the request for a hearing.

**Sec. 996-29. Issuance of license.**

Upon completion of the investigation and any examination of the applicant, and a determination by the license administrator that the applicant is eligible pursuant to Sec. 996-22 and qualified pursuant to Sec. 996-27 for a license to operate a public vehicle for hire, the license administrator shall issue to the applicant a license to operate a public vehicle for hire, in a format prescribed by the license administrator, which license shall contain the photograph and signature of the licensee, the date of issuance and expiration of the license, and such additional information as the license administrator deems necessary.

**Sec. 996-30. License term.**

A license to operate a public vehicle for hire shall be valid for a term of one (1) year as provided in section 801-209 of the Code.

**Sec. 996-31. Renewal date.**

The renewal date for a license to operate a public vehicle for hire shall be according to the provisions of section 801-209 of the Code.

**Sec. 996-32. Renewal.**

Pending action by the license administrator on an application for renewal of an existing public vehicle for hire license, the applicant shall be permitted to operate a public vehicle for hire under the license issued for the previous licensing period, unless the license administrator enters an order to the contrary.

**Sec. 996-33. Post-licensure inspection of operator.**

At least two (2) times each year on a schedule or at such unannounced times as determined by the license administrator, the division of inspections shall inspect each licensed operator for compliance with Sec. 996-124 and other requirements of this chapter.

**ARTICLE IV. GENERAL LICENSURE REQUIREMENTS FOR PUBLIC VEHICLES FOR HIRE**

**Sec. 996-41. Separate license.**

A separate license shall be required for each public vehicle for hire. Each public vehicle for hire shall have one (1) license. In order to be licensed, every taxicab must satisfy both:

- (1) The general licensure requirements for public vehicles for hire; and
- (2) The additional specific requirements imposed by the article for taxicab licenses.

**Sec. 996-42. Eligibility.**

To be eligible for licensure as a public vehicle for hire, a motor vehicle must:

- (1) Be a passenger vehicle;
- (2) Be designed and constructed to accommodate and transport not more than fifteen (15) passengers, including the driver;
- ~~(3) Be equipped with a two-way radio to facilitate dispatching and other communication between the public vehicle for hire and the owner's central office;~~
- ~~(4)~~ (3) Have a tax situs in Marion County;
- ~~(5) Have Marion County license plates; and~~
- ~~(6)~~ (4) Be owned by an applicant eligible to apply for a public vehicle for hire license.

**Sec. 996-43. Eligibility; required number of taxicabs per applicant.**

- (a) To be eligible to apply for a public vehicle for hire license, a person:
  - (1) Must be the owner of the vehicle; and
  - ~~(2) Must have a central office located in Marion County that shall be kept open twenty-four (24) hours each day for the purpose of receiving calls and dispatching public vehicles for hire within the city; and~~
  - ~~(3)~~ (2) Must not have been convicted of a felony within the period of five (5) years immediately preceding the date of the filing of the application.

(b) No person shall be eligible to apply for, or have the license administrator renew, public vehicle for hire licenses for taxicabs unless the number of taxicabs that are owned by that person, and that are licensed or will be licensed if the application is approved, is ~~twenty (20)~~ two (2) or more; however, this limitation shall not apply to a person who has maintained at least one (1) valid public vehicle for hire license for at least one (1) eligible taxicab continuously since July 1, 2002.

**Sec. 996-44. Application.**

(a) Each applicant for a license for a public vehicle for hire shall provide to the license administrator the following information concerning the applicant and the vehicle, on an application form provided by the license administrator, signed and sworn to by the applicant (or, if the applicant is not an individual, signed and sworn to by one (1) of the individuals about whom information is required by this section):

- (1) The vehicle's seating capacity, name of manufacturer, model year, horsepower, vehicle identification number, certificate of title number, color and state license number;
- (2) The logo (if any) and color scheme that will be used on the vehicle;
- (3) The applicant's full name;
- ~~(4) The applicant's central office address;~~
- ~~(5)~~ (4) The names of all persons other than the applicant who have a financial interest in the vehicle;
- ~~(6)~~ (5) All governmental entities from which the applicant has previously obtained a license for any public vehicle for hire, and each date and cause for which any such license was ever revoked or suspended; and
- ~~(7)~~ (6) Such additional information as the license administrator deems necessary.

(b) As used in this section, financial interest in a motor vehicle means any portion of any of the legal rights of ownership or any such financial interest in any partnership, corporation or other legal entity having any such financial interest in a motor vehicle. As used in this section, financial interest in a motor vehicle includes, but is not limited to, that interest held by stockholders and officers of corporations or similar business entities having a financial interest in a motor vehicle.

**Sec. 996-45. Attachments to the application.**

Each application shall be accompanied by:

- (1) A public liability insurance policy or certificate of self- insurance for the vehicle;
- (2) A certificate of existence from the Indiana secretary of state, if the applicant is a corporation; and
- (3) Such additional items as the license administrator deems necessary.

**Sec. 996-46. Public liability insurance.**

(a) All vehicles licensed under this article must be covered by a public liability insurance policy that will indemnify anyone injured by anyone operating the vehicle. The public liability insurance shall be in an amount not less than one hundred thousand dollars (\$100,000.00) combined limit coverage for personal injury and property damage. The policy shall contain the same substantive provisions as required of common carriers under the forms prescribed by the federal highway administration at 49 C.F.R. § 387.39. The policy shall remain in effect continuously until terminated. The policy shall provide that cancellation may be effected only by the insurer providing forty-five (45) days' prior written notice to the license administrator; provided, in the event of cancellation for nonpayment of premium, the cancellation may be effective on ten (10) days' prior written notice, such ten (10) days being measured from the license administrator's receipt of the notice.

(b) The insurance requirements of this section may be satisfied by a certificate of self-insurance, in an equivalent amount, issued by the bureau of motor vehicles of the State of Indiana.



**Sec. 996-47. Fees.**

(a) The annual fee for each public vehicle for hire license shall be provided in Sec. 131-501 of the code.

(b) In addition, the fee for an inspection of a taxicab beyond the past six (6) model years shall be provided in Sec. 131-502 of the code.

**Sec. 996-48. Investigation of applicant.**

The license administrator shall investigate an applicant for a public vehicle for hire license. The investigation shall include:

- (1) Investigation of the facts giving rise to any violation of law and any charges alleging a violation of law pending against the applicant or any person having a financial interest in the vehicle; and
- (2) Such additional investigation as the license administrator deems necessary.

**Sec. 996-49. Pre-licensure inspection of vehicle.**

The division of inspections shall inspect the vehicle for compliance with the motor vehicle equipment requirements of IC 9-19 and Sec. 996-123 of the Code.

**Sec. 996-50. License period.**

A license for a public vehicle for hire shall be valid until the next renewal date for that license.

**Sec. 996-51. Renewal date.**

The renewal date for a license for a public vehicle for hire shall be according to the provisions of section 801-209 of the Code.

**Sec. 996-52. Renewal.**

The renewal of a license for a public vehicle for hire shall be granted upon the same terms and conditions as the original license. Pending action by the license administrator on the application for renewal, the applicant shall be permitted to operate a public vehicle for hire under the license issued for the previous year, unless the license administrator enters an order to the contrary.

**Sec. 996-53. Post-licensure inspection of vehicle.**

At least two (2) times each year, on a schedule or at such unannounced times as determined by the license administrator, the division of inspections shall inspect each licensed public vehicle for hire for compliance with the motor vehicle equipment requirements of IC 9-19 and Sec. 996-123.

**Sec. 996-54. Removal from service.**

If a licensed public vehicle for hire is inspected pursuant to Sec. 996-53 and found not to comply with the motor vehicle requirements of IC 9-19 or Sec. 996-123, any monthly taxicab certificate shall be immediately removed from the vehicle and canceled. The division of inspections shall thereafter reinspect the vehicle upon the request of the licensee.

**ARTICLE V. RESERVED**

**Secs. 996-61 through 996-64. Reserved.**

## ARTICLE VI. TAXICAB LICENSES

### Sec. 996-71. Taxicab licensure and certification.

No person shall transport or offer to transport a passenger for a fare, which fare is determined, in whole or in part, by measurement, made during the trip, of the distance over which the passenger is transported, in any public vehicle for hire which is not licensed as a taxicab, or which does not have a current monthly taxicab certificate.

### Sec. 996-72. Eligibility.

To be eligible for a taxicab license, a public vehicle for hire must:

- (1) Meet the general licensure requirements for public vehicles for hire;
- (2) Be either:
  - a. Of the current or past six (6) model years; or
  - b. Beyond the past six (6) years but not more than ten (10) model years and inspected and approved annually by the city garage and the license administrator as remaining fit for quality service both mechanically and aesthetically;
- (3) Be equipped with a certified taximeter; and
- ~~(4) Have a permanently affixed top light clearly identifying the vehicle as a taxicab;~~
- ~~(5) Have a color scheme that is the same for all taxicabs owned by the same person, and that is either:~~
  - ~~a. Not similar to that in use by any taxicab licensed to another licensee; or~~
  - ~~b. Similar to that of a taxicab licensed to a licensee who has consented to such use of the color scheme; and~~
- ~~(6)~~ (4) Have affixed to both sides and the rear of the vehicle the license administrator's license number for the taxicab in a format prescribed by the license administrator, designed to be readable by potential customers.

### Sec. 996-73. Pre-licensure inspection of taximeter.

The license administrator, with the assistance of the inspector of weights and measures of the department of code enforcement, shall inspect the taximeter of each vehicle to be licensed as a taxicab to establish whether the taximeter is operating properly.

### Sec. 996-74. Post-licensure inspection of taximeters.

At least two (2) and not more than five (5) times each year, on a schedule or at such unannounced times as determined by the license administrator, the license administrator, with the assistance of the inspector of weights and measures of the department of code enforcement, shall inspect the taximeter of each licensed taxicab to establish whether the taximeter is operating properly.

### Sec. 996-75. Taximeter certification.

If a taximeter is inspected pursuant to this article and found to be operating properly, the inspector shall attach to the taximeter a seal in a format prescribed by the license administrator, and shall provide the owner with a numbered taximeter certificate containing the following information:

- (1) The signature of the inspector;
- (2) A statement that the meter has passed inspection;
- (3) The date of the inspection;
- (4) The state license plate number of the taxicab;
- (5) The number of the certificate of title of the taxicab;
- (6) The license administrator's license number for the taxicab;
- (7) The name of the owner of the taxicab; and
- (8) Such additional information as the license administrator deems necessary.

**Sec. 996-76. Removal from service.**

If a taximeter is inspected and found to be operating improperly, any monthly taxicab certificate shall be immediately removed from the vehicle and canceled. The division of inspections shall thereafter reinspect the taximeter upon the request of the licensee.

**Sec. 996-77. Monthly taxicab certificate.**

(a) Each calendar month the license administrator shall issue a taxicab certificate to the owner for each licensed taxicab so long as such vehicle remains eligible for licensure. The certificate shall expire on the fifth day of the following month, unless sooner canceled by the license administrator. The certificate shall be placed on the licensed vehicle at a location specified by the license administrator. The certificate shall have a format and color prescribed by the license administrator, and shall contain the name of the licensee, the city license number of the taxicab, the signature of the license administrator, and such additional information as the license administrator deems necessary.

(b) It shall be unlawful to own or operate a licensed taxicab that does not bear a current taxicab certificate. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in section 103-3 of the Code.

**ARTICLE VII. FARES**

**Sec. 996-81. Maximum fares.**

No person shall transport or offer to transport a passenger in a public vehicle for hire for a fare higher than that fare which is authorized pursuant to this article. Except for regulations which may be adopted by the Indianapolis Airport Authority, nothing in this article shall be construed to prohibit the charging of a fare lower than that maximum fare which is authorized pursuant to this article.

**Sec. 996-82. Reserved.**

**Sec. 996-83. Filing.**

Every holder of a public vehicle for hire license shall file with the license administrator a fare schedule, which shall be open to the public, showing all rates and charges that the licensee has established and requires as payment for any of its services.

**Sec. 996-84. Fare charges.**

A fare schedule on file with the license administrator may be changed only upon ten (10) days written notice to the license administrator. With the exception of fares authorized under Sec. 996-86(8), (9) and (10), fares in the schedules may not be changed more than once each calendar quarter.

**Sec. 996-85. Airport fares.**

(a) All licensees under this article shall comply with such rules as the Indianapolis Airport Authority may adopt regulating taxicab service for trips originating at the Indianapolis International Airport, including rules establishing or regulating fares, vehicle size and luggage compartments, provided such rules are adopted pursuant to this section.

(b) At least thirty (30) days prior to the adoption of any rules specified in subsection (a) of this section, the Indianapolis Airport Authority shall provide notice of the proposed rules by certified or registered mail to the office of the license administrator and to the clerk of the city-county council.

(c) Rules adopted pursuant to subsection (a) of this section shall not be effective sooner than sixty (60) days after notice of their adoption is received via registered or certified mail by both the office of the license administrator and the clerk of the city-county council.

**Sec. 996-86. Allowable taxicab fares; manner of payment.**

(a) Charges for taxicab service may include only the following charges:

- (1) A pick-up charge for trips resulting from a phone request;
- (2) A pick-up charge for trips not resulting from a phone request;
- (3) A mileage charge measured in one-fifth (1/5) mile;
- (4) A waiting charge;
- (5) An extra passenger charge;
- (6) An alternative hourly charge;
- (7) An alternative regional center fare for trips originating and ending within that portion of Central Indianapolis lying east of White River, south of 12th Street, west of I-65 and north of I-70;
- (8) An alternative Indianapolis 500 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date;
- (9) An alternative Brickyard 400 Mile Race fare, on the date such race is scheduled to be run and any scheduled postponement date; and
- (10) An alternative United States Grand Prix at Indianapolis fare, on the date such race is scheduled to be run and any scheduled postponement date.

(b) Each operator shall be equipped and authorized to accept payment of the fare by credit card. It shall be unlawful for a licensee under this chapter to discourage a customer from paying by credit card, or to charge an additional amount for paying by credit card.

**Secs. 996-87 and 996-88. Reserved.**

**Sec. 996-89. Permanent maximum taxicab fares.**

From and after January 1, 1996, the following taxicab charges shall not exceed the amounts stated below:

- (1) The mileage charge shall not exceed forty cents (\$0.40) for each one-fifth (1/5) mile.
- (2) The waiting charge shall not exceed forty cents (\$0.40) per each one (1) minute of waiting time.
- (3) The extra passenger charge shall not exceed sixty-five cents (\$0.65) for each extra passenger.
- (4) The alternative hourly charge shall not exceed twenty-four dollars (\$24.00) per hour plus two dollars (\$2.00) per mile for each mile in excess of twelve (12) miles driven during any one (1) hour.

- (5) The alternative regional center fare shall not exceed five dollars (\$5.00) plus any applicable extra passenger charge.

## **ARTICLE VIII. TAXICAB OPERATION REGULATIONS**

### **Sec. 996-101. Fraudulent operation.**

No person shall operate on the streets of the City of Indianapolis any taxicab or any vehicle marked so as to appear to be a taxicab, unless the vehicle is a taxicab licensed pursuant to this article.

### **Sec. 996-102. Fare advertisement.**

The fare schedule in use by a taxicab at any given time shall be displayed on the exterior of the taxicab in a format prescribed by the license administrator, designed to be readable by potential passengers. The fare schedule so advertised shall not exceed the fare schedule for that taxicab as filed with the license administrator. This provision shall not be construed to prohibit taxicab fares lower than the fares so displayed. In the alternative, the fare schedule in use by a taxicab at any given time may be disclosed on the taxicab's website or digital network or application.

### **Sec. 996-103. Use of taximeters.**

No person shall operate a taxicab as a taxicab unless the taximeter is engaged.

### **Sec. 996-104. Taximeter security.**

All taximeters shall be in an enclosed case permanently attached to a taxicab, and no person other than the license administrator or the division of inspections shall remove or tamper with the case, the taximeter or the seal placed on any taximeter by the license administrator, unless the current taximeter and monthly taxicab certificates are first surrendered to the license administrator.

### **Sec. 996-105. Illumination of taximeters.**

All taximeters shall be illuminated between sunset and sunrise so as to be easily and clearly readable at all times by passengers seated in the rear seat.

### **Sec. 996-106. Taxicab waiting charges.**

When a taxicab arrives at the place to which it has been called by a passenger, the driver shall give notice of his arrival to such person, and for the first three (3) minutes following notice, there shall be no time charge for waiting. For any waiting time thereafter, either at the place of call or in route to the passenger's destination, the waiting charge authorized by the current schedule may be charged. However, no waiting time shall be charged in any case where the wait is caused by the premature arrival of the driver at the place of the call, or where delays occur in route due to the condition of the taxicab, driver, or traffic, including railroad crossing delays.

### **Sec. 996-107. Routes.**

Licensees operating taxicabs shall use the shortest practicable routes on all trips.

### **Sec. 996-108. Reserved.**

## **ARTICLE IX. MISCELLANEOUS REGULATIONS**

### **Sec. 996-121. Cruising.**

No provision herein shall be construed to prohibit public vehicles for hire from cruising in search of customers. Cruising shall not be conducted in any manner which impedes the flow of traffic.

**Sec. 996-122. Dispatching log.**

Each owner or operator of a public vehicle for hire that is licensed under this chapter shall maintain, at a location in the city, a record of all customer service transactions including the date and time of the agreement to provide service, the dates, times and locations where the customer is picked up and dropped off, the name of the operator, and the amount of the fare. Dispatching logs shall be retained for at least one (1) year by the owner or operator and shall be open to inspection on demand by the division of inspections and any law enforcement agency having jurisdiction over the geographical area where the record is located.

**Sec. 996-123. Maintenance.**

(a) The exterior and interior of all vehicles in use as public vehicles for hire shall be kept well painted, maintained and reasonably free from dirt.

(b) It shall be unlawful to own or operate a public vehicle for hire which is not maintained as required by this section. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in section 103-3 of the Code.

**Sec. 996-124. Dress code.**

(a) A person operating a public vehicle for hire shall at a minimum:

(1) Be clean and free of any body odor detectable to a reasonable passenger; and

~~(2) Have all visible head and facial hair neatly trimmed and combed or brushed;~~

~~(3) (2) Be dressed in clean and neat outer wear consisting of and shoes and a collared shirt or blouse and slacks or skirt, or dress.~~

~~(b) No person operating a public vehicle for hire shall wear as outer wear thongs, sandals, shorts, trunks, collarless shirt, tank top, body shirt, see-through clothing, swim wear or sweat clothing.~~

~~(c)~~ (b) It shall be unlawful for a person whose condition or appearance does not comply with the requirements of this section to operate a public vehicle for hire. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Sec. 103-3 of the Code.

**Sec. 996-125. Failure to provide service; response time.**

(a) It shall be unlawful for a licensee to refuse as a passenger an orderly person who applies to him for transportation within the city, unless the operator is providing service to another person, or unless the operator has made visual contact with the person and formed a belief that is reasonable under the circumstances that transporting such person might be unsafe for the operator.

(b) It shall be unlawful for a licensee to refuse as a passenger any person who applies to him for transportation on the basis of race, sex, religion, color, national origin, ancestry, age, handicap, disabled veteran status, ~~or~~ Vietnam era veteran status, sexual orientation, or gender identity.

(c) Within fifteen (15) minutes after a request for service is received ~~by telephone or facsimile~~, a licensee shall answer the request by causing a public vehicle for hire to arrive at the requested location or by advising the person as to how long it will be before such vehicle will arrive. Failure to comply with this subsection shall constitute a violation of the Code.

**Sec. 996-126. Display of licenses and fare schedules.**

(a) Every public vehicle for hire shall display in plain view of passengers the public vehicle for hire license for that vehicle, the license for the operator of that vehicle and the fare schedule for that vehicle as filed with the license administrator.

(b) It shall be unlawful to own or operate a public vehicle for hire that does not display the licenses and fare schedule as required by this section. A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Sec. 103-3 of the Code.

**Sec. 996-127. Persons with disabilities.**

While knowingly providing transportation to persons with disabilities, a public vehicle for hire and a person licensed to operate a public vehicle for hire shall comply with all requirements of the Americans with Disabilities Act in all respects, including equipment, training of personnel, and all other respects.

**Sec. 996-128. Defacing license.**

No licensee shall deface, disguise or otherwise alter any license or certificate issued hereunder.

**Sec. 996-129. Share rides.**

No licensee shall transport any passenger other than the first passenger to occupy the public vehicle for hire without the express or implied consent of each prior passenger. Consent may be implied by entering a public vehicle for hire which is identified by exterior markings as a jitney or which otherwise, by its style, markings or established practices, would be known to a reasonable person to commonly transport multiple passengers simultaneously. A taxicab engaging in share riding is not required to be equipped with a meter capable of accounting separately for each trip segment.

**Sec. 996-130. Alcoholic beverages.**

No licensee under this article shall furnish or offer to furnish any alcoholic beverage to any passenger.

**Sec. 996-131. Payment of fare.**

No person who requests and receives transportation shall fail or refuse to pay a fare authorized by this chapter.

**Sec. 996-132. Receipt.**

Upon request by a passenger, the driver of a public vehicle for hire shall deliver to the passenger at the time of payment a signed receipt containing the driver's name and license number, the number of the license of the public vehicle for hire, the taximeter certificate number (if any), the distance or time for which the charge is made (if applicable), the total amount paid, by whom the amount was paid and the date of payment. In the alternative, the receipt may be delivered by electronic means.

**Sec. 996-133. Complaints.**

(a) Any person knowing of the misconduct of any licensee under this article may present a complaint to any police officer of the city or to the license administrator. The license administrator shall investigate the complaint with the assistance of the Indianapolis metropolitan police department, if the license administrator deems such assistance necessary. Such department shall file with the license administrator a report of the facts relating to such conduct. The license administrator shall then notify the licensee in writing that charges have been filed against him or her, setting a time for a hearing on such charges as provided in Chapter 801, Article IV, of the Code.

(b) If additional complaints or violations of this chapter are observed against a licensee within a twelve (12) month period and after a hearing by the license administrator found to have merit, the license administrator shall impose not less than a one (1) week suspension, and if determined to be beneficial by the license administrator, require the operator to successfully complete the forty (40) hour training program pursuant to Sec. 996-27 during the suspension.

**Sec. 996-134. Compliance with law.**

Persons licensed to operate a public vehicle for hire shall comply with all laws of the State of Indiana, provisions of this Code, and such other rules and regulations as are issued by the license administrator.

**Sec. 996-135. Location of central office; tax situs.**

The license administrator shall revoke a taxicab license if the central office of the owner or the tax situs of the vehicle is removed from Marion County.

**Sec. 996-136. Transferability.**

No license or certificate granted under this article shall be transferable.

**Sec. 996-137. No property rights.**

Nothing in this chapter shall be interpreted to grant any property rights of any kind to any licensee or any other person. All rights and restrictions created by the express language of this chapter may be expanded, reduced or eliminated at any time by ordinance or by regulation of the license administrator or other officer.

**Sec. 996-138. Limitations on operator's number of hours; operator's log.**

(a) It shall be unlawful for a person to operate a public vehicle for hire in the city for a cumulative total of more than:

- (1) Twelve (12) hours in any period of twenty-four (24) consecutive hours; or
- (2) Twenty (20) hours in any period of forty-eight (48) consecutive hours.

For purposes of this section, a person shall be deemed to be operating a public vehicle for hire at all times the vehicle is in service, and regardless of whether or not the vehicle is being driven.

(b) Each operator of a public vehicle for hire shall maintain at a location in the city, and on a form provided by the license administrator, a record of each day or portion of a day in which he or she operates a public vehicle for hire, including the operator's name and signature, the date, and the times when the vehicle was placed in service and taken out of service. Operator logs shall be retained for at least one (1) year by the operator or owner, and shall be open to inspection on demand by the division of inspections and any law enforcement agency having jurisdiction over the geographical area where the record is located. In the alternative, the operator logs may be submitted and maintained electronically at a site designated by the license administrator.

(c) A person's first violation of this section in a twelve (12) month period shall be subject to the enforcement procedures provided in Chapter 103, Article III, of the Code, and each second and subsequent violation in a twelve (12) month period is subject to the enforcement procedures and penalties provided in Sec. 103-3 of the Code.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.



The foregoing was passed by the City-County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Maggie A. Lewis  
President, City-County Council

\_\_\_\_\_  
NaTrina DeBow  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at 10:00 a.m.

\_\_\_\_\_  
NaTrina DeBow  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Joseph H. Hogsett, Mayor